REMARKS

Favorable reconsideration of this application is respectfully requested.

The claims are herein amended to correct minor informalities in the dependencies of claims 6-10. Those claims were inadvertently not previously amended to depend from independent claim 1 when in the previous Amendment claim 5 was canceled. Claims 6-10 are now amended to now properly depend from independent claim 1.

Claims 1, 2, 6-11, and 14 are pending in this application. Claims 1, 2, 8, 9, 11, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication 2004/0047612 to Nagata et al. (herein "Nagata") in view of U.S. patent 6,738,427 to Zetts. Claims 6, 7, and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagata in view of Zetts and further in view of U.S. patent 6,856,759 to Fukuda et al. (herein "Fukuda"). Those rejections are traversed by the present response as discussed next.

The outstanding rejection cites Nagata as the primary reference, but states:

> Nagata et al. does not teach a generator operable to generate program sequence information indicative of an interval in which a coding attribute of each video and/or audio elementary stream in said transport stream does not change.

> However, Zetts teaches a generator operable to generate program sequence information indicative of an interval in which a coding attribute of each video and/or audio elementary stream in said transport stream does not change (col. 7, lines 22-24).[1]

Applicants traverse the above-noted grounds for rejection and respectfully submit Zetts does not cure the recognized deficiencies in Nagata as Zetts also does not disclose or suggest "a generator operable to generate program sequence information indicative of . . . b) an *interval in which a coding attribute* of each video and/or audio stream in said transport stream *does not change*" (emphasis added).

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[1] Office Action of December 15, 2008, the paragraphs bridging pages 2 and 3.

According to the above-noted feature, program sequence information will indicate "an interval in which a coding attribute . . . does not change".

As noted above, with respect to the above-noted feature the outstanding Office Action cites Zetts at column 7, lines 22-24, which states "However, the PTS/DTS values are left unchanged so that the video file maintains its original frame presentation timing". Applicants submit that disclosure in Zetts is not, however, directed to the claimed features.

To provide the above-noted statement of Zetts in proper context, reprinted below is the disclosure in Zetts at column 7, lines 1-26, which states, highlighting the relied upon disclosure at col. 7, lines 22-24 in Zetts:

> In the present invention, an MPEG-1 or MPEG-2 video file is processed to insert a prepared timecode packet after the picture start header of each frame in the video file. Each timecode packet is inserted as an MPEG user data packet (preferably with a user data packet start code 0xB2), which is discarded by MPEG decoders not enabled to decode them. The present invention uniquely marks these timecode packets with a signature that is recognized by any MPEG decoder enabled to extract the user data packets.

> The insertion of the timecode packets into the video file may be performed in the present invention by one of the two method embodiments. In one preferred embodiment, as the timecode packets are included into the video file, an equal number of data bytes is removed from the video stream to maintain the constant multiplex bitrate. For this purpose, prior to processing, the video file is analyzed to identify periodic, redundant data which may be transparently removed without adverse effect. In the second embodiment, the multiplex bitrate is increased, preferably by 4800 bits per second, to account for the additional 30 data packets per second. Each system clock reference (SCR) value is modified to accommodate this increase. *However, the PTS/DTS values are left unchanged so that the video file maintains its original frame presentation timing.* Both techniques maintain the bitrate control of the originating MPEG encoder, precluding VBV underruns and overruns.

From the above-noted disclosure applicants note Zetts is directed to a device that can uniquely mark inserted time code packet data provided after a picture start header. The

above-noted cited disclosure of <u>Zetts</u> directed to "the PTS/DTS values are left unchanged"

indicates in <u>Zetts</u> a presentation timestamp (PTS) utilized in conventional MPEG players is

maintained so that an MPEG player can maintain an original frame presentation timing. That

is, that disclosure in <u>Zetts</u> merely indicates maintaining an existing presentation timestamp

(PTS) in an MPEG device. Applicants submit maintaining a presentation timestamp (PTS)

from an MPEG device as in <u>Zetts</u> is not at all directed to the claimed features. In contrast to

the disclosure in <u>Zetts</u>, according to the claimed features program sequence information is

specifically generated that can indicate "an interval in which a coding attribute of each video

and/or audio stream in said transport stream does not change". For example in the claimed

invention a time or a number of frames for which a coding attribute does not change will be

recognized and program sequence information will be generated based on that interval.

Maintaining an already existing presentation timestamp (PTS) as in <u>Zetts</u> is unrelated to such

claimed features.

Thereby, applicants respectfully submit <u>Zetts</u> does not in fact cure the recognized

deficiencies in <u>Nagata</u> with respect to independent claim 1 as currently written, and thereby

independent claim 1 patentably distinguishes over <u>Nagata</u> in view of <u>Zetts</u>. Thereby, the

outstanding rejections are traversed by the present response.

Also, addressing the other cited art to <u>Fukuda</u>, applicants respectfully submit <u>Fukuda</u>

does not cure the above-noted deficiencies of <u>Nagata</u> and <u>Zetts</u>, and applicants submit <u>Fukuda</u>

does not even cure the deficiencies of <u>Nagata</u> in view of <u>Zetts</u> with respect to claims 6, 7, and

10.

Dependent claims 6, 7, and 10 further recite the coding attribute includes a "video

frame frequency" (claim 6), "aspect ratio" (claim 7), or "sampling frequency" (claim 10).

With respect to the above-noted features the outstanding rejection cites <u>Fukuda</u> at column 16,

lines 9-14. At that portion <u>Fukuda</u> discloses a video attribute detector can detect different

attributes, but applicants submit <u>Fukuda</u> does not disclose or suggest that any of those attributes will be evaluated with respect to "an interval" in which those attributes do not change. Thereby, the cited disclosure in <u>Fukuda</u> is also not at all directed to the claimed features, and thereby the further rejection based on <u>Fukuda</u> is further traversed by the present response.

In view of the foregoing comments applicants respectfully submit the claims as currently written patentably distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.
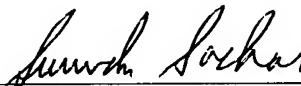
Respectfully submitted,

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